



A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA HONORING MONTANA'S AMERICAN INDIAN WOMEN BY STOPPING THE VIOLENCE AGAINST THEM.

WHEREAS, in the U.S., national statistics indicate that a women is raped every 6 minutes and is beaten every 18 minutes, and domestic violence is the leading cause of injury among women of reproductive age in the U.S., with between 22% and 35% of visits by women to emergency rooms related to domestic violence; and

WHEREAS, according to U.S. government statistics, Native American and Alaska Native women are more than 2.5 times more likely to be raped or sexually assaulted than other women in the U.S.; and

WHEREAS, according to the U.S. Department of Justice, more than one in three American Indian and Alaska Native women will be raped during their lifetime, indicating that indigenous women are being denied protection, and there is a systematic failure to punish those responsible for the crimes; and

WHEREAS, according to the U.S. Department of Justice, in at least 86% of the reported cases of rape or sexual assault against American Indian women and Alaska Native women, the perpetrators were non-Native men; and

WHEREAS, not all Montana Indian reservations have access to a statewide database called Providers of Data Quality that allows entities to collect data specifically regarding American Indian victims and survivors of domestic violence in Montana and that allows the data to be downloaded by the entities that fund the state's domestic and sexual violence program, the Montana Board of Crime Control and the Department of Public Health and Human Services; and

WHEREAS, the issue of domestic and sexual violence impacts Montana's 27,529 American Indian and Alaska Native women both on and off reservations; and

WHEREAS, tribal law enforcement agencies are chronically underfunded, and federal and state governments provide significantly fewer resources for law enforcement on tribal land than are provided for comparable non-American Indian communities; and

WHEREAS, the lack of appropriate training in all police forces, including federal, state, and tribal, also

undermines survivors' right to justice, and many officers don't have the skills to ensure a full and accurate crime report and accordingly, survivors of sexual violence are not guaranteed access to adequate and timely sexual assault forensic examinations, which is caused in part by the federal government's severe underfunding of the Indian Health Service; and

WHEREAS, American Indian women on Indian reservations who come forward to report sexual violence are caught in a jurisdictional maze that federal, state, and tribal police often cannot quickly sort out and that often leads to confusion and uncertainty with no jurisdiction taking action and survivors of sexual violence being denied access to justice and perpetrators going unpunished; and

WHEREAS, in *Oliphant v. Suquamish Indian Tribe*, 435 U.S. 191 (1978), the U.S. Supreme Court ruled that tribal courts could not exercise criminal jurisdiction over non-Indian U.S. citizens, stripping tribal authorities of the power to prosecute crimes committed by non-Indian perpetrators on tribal lands; and

WHEREAS, for prosecutable crimes, tribal courts are further limited by the Indian Civil Rights Act of 1968, which limits the penalty that can be imposed by tribal courts for any offense to a maximum of 1 year's imprisonment and a \$5,000 fine; and

WHEREAS, the majority of rape cases on tribal lands that are referred to the federal courts are reportedly never brought to trial; and

WHEREAS, the Montana Legislature recognizes the importance of stopping domestic and sexual violence and providing resources and justice for all its victims, but with the alarming level of violence experienced by Montana's American Indian women, we must take action to find solutions to stop this violence.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislature call on the U.S. Department of Justice, U.S. Senator Baucus, U.S. Senator Tester, U.S. Congressman Rehberg, the Montana Department of Justice, federal, state, and tribal law enforcement agencies, the Montana Board of Crime Control, the Montana Department of Public Health and Human Services, and other appropriate state agencies, local governments, and Montana's tribal governments to take action to stop this domestic and sexual violence against Montana's American Indian women by supporting policies to:

(1) work in collaboration to obtain a clear and accurate understanding about the prevalence and nature of domestic and sexual violence faced by Montana's American Indian women;

(2) support access to adequate and timely services for Montana's American Indian women who are victims of domestic and sexual violence;

(3) provide adequate resources for additional criminal justice and victim prevention and intervention services to respond to crimes of domestic and sexual violence against Montana's American Indian women; and

(4) ensure that meeting the federal government's critical responsibility to investigate and prosecute violent crime on Indian reservations is a high priority.

- END -

I hereby certify that the within joint resolution,
SJ 0026, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2009.

Speaker of the House

Signed this _____ day
of _____, 2009.

SENATE JOINT RESOLUTION NO. 26

INTRODUCED BY JUNEAU, AUGARE, BELCOURT, BOSS RIBS, PEASE-LOPEZ, CAMPBELL

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